

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for June 8, 2005 PLANNING COMMISSION MEETING

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the use permit application.

PROJECT #: Change of Zone #05040
Use Permit #05004

PROPOSAL: To change the zoning from O-3 Office Park to B-2 Planned Neighborhood Business to allow 33,500 square feet of floor area for a drive-thru restaurant, retail and office, and adjustment to the yards of individual lots.

LOCATION: South 14th Street and Yankee Hill Road

LAND AREA: CZ#05040 - 5.37 acres more or less.
UP#05004 - 5.37 acres more or less.

CONCLUSION: The Comprehensive Plan designates commercial uses for this site. Provided the concerns raised by Public Works about the Executive Woods Drive/Yankee Hill Road intersection and trip generation are satisfactorily addressed, this request is consistent with the Comprehensive Plan.

RECOMMENDATION:

CZ#05042

Approval

UP#89C

Conditional Approval

Waiver: Adjustment to Setbacks for Individual Lots

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached ownership certificate, it is the same for both applications.

EXISTING ZONING: O-3 Office Park

PROPOSED ZONING: B-2 Planned Neighborhood Business

EXISTING LAND USE: The area is undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Undeveloped	H-4
South:	Golf Course	R-3
East:	Undeveloped	H-4
West:	Commercial	I-3

HISTORY:

February 1, 1999 - CZ#3114 approved the change of zone from AG to O-3 for this site. The request also included AG to O-3 for the Wilderness Woods office park located southeast of this site in Wilderness Woods Golf Course.

COMPREHENSIVE PLAN SPECIFICATIONS:

Page F25 - The Land Use Plan designates the site for commercial land uses.

Page F37 - Commercial and Industrial Development Strategy

The commercial and industrial development strategy presented below seeks to fulfill two notable objectives: (1) the approach is designed to provide flexibility to the marketplace in siting future commercial and industrial locations; while at the same time (2) offering neighborhoods, present and future home owners, other businesses, and infrastructure providers a level of predictability as to where such employment concentrations might be located. Balancing these two objectives in a meaningful way will require diligence, mutual understanding, and an ongoing planning dialogue.

Page F41 - Guiding Principles for Commerce Centers

Commerce Centers shall be designed and constructed to meet the intent of the environmental resources section of this plan. These centers shall in themselves include green space and enhance green space separation, where possible, among communities and mixed use areas.

Strip commercial development is discouraged. Commerce Centers should not develop in a linear strip along a roadway nor be completely auto oriented.

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points.

Commerce Centers should have convenient access to the major roadway system and be supported by roads with adequate capacity.

Physical linkages (i.e., sidewalks, trails, roads) should be utilized to directly connect Commerce Centers with adjacent development, although undesirable traffic impacts on adjacent residential areas should be avoided or minimized.

Page F97, 98- Pedestrians

The sidewalk system should be complete and without gaps. The pedestrian network in shopping centers should be integrated with adjacent activities.

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers.

Activity Corridors and Centers - Directness and safety for pedestrians going to, from, and within these corridors and centers should be stressed.

UTILITIES: All utilities are available to serve this area.

ANALYSIS:

1. This request includes two applications, a change of zone from O-3 to B-2 and UP#05004 with requests to adjust the yard setbacks to 0'.
2. The Comprehensive Plan designates the site for commercial land uses.
3. The staff review for UP#126 for the Wilderness Woods Office Park recommended that it include a retail component to provide a mix of uses as called for in the Comprehensive Plan. B-2 on this site will provide the opportunity for neighborhood commercial in proximity to the office park, and is compatible with surrounding uses and zoning.
4. Access to the site is provided by driveways to both Yankee Hill Road and Executive Woods Drive. Yankee Hill Road (an arterial street) is a paved, two-lane street in this area. It is identified as a future four-plus-center turn-lane street, and a median opening will not be provided at the driveway access location when the street is improved. The other driveway is to Executive Woods Drive (a private roadway). A future median opening in Yankee Hill Road will be provided for Executive Woods Drive.
5. Public Works notes that the traffic study submitted with these requests is not consistent with the study previously submitted for Wilderness Woods Office Park, and the discrepancies need to be addressed. The study also needs to show how the drive connection to this project will function in conjunction with the Executive Woods Drive/Yankee Hill intersection. There is concern that vehicle stacking in Executive Woods Drive will conflict with the driveway, as the minimum 55' clearance for driveway spacing is not provided. This must be addressed to the satisfaction of Public Works before these requests are approved.

6. The Comprehensive Plan calls for the pedestrian network in shopping centers to be integrated with adjacent activities. In this case, connections from the sidewalks in front of the buildings to the sidewalk along Yankee Hill Road must be provided, and sidewalks must be extended along Executive Woods Drive to Yankee Hill Road with sidewalks along the driveway off Executive Woods Drive connecting to the sidewalk system inside the center. Additionally, General Note #7 must be revised to also note that sidewalks must be 6' wide when adjacent to parking stalls.
7. Yankee Hill Road requires 130' of right-of-way within 700' of the South 14th Street intersection and this must be shown on the site plan. The sidewalk along Yankee Hill Road must be shown at least 9.5' from the back of the curb consistent with the Design Standard for local streets.
8. Adjustments to setbacks on Lots 1, 2, and 3 are requested to allow the lot configuration shown. With one exception, the building envelopes maintain the required setbacks from the boundary of the development. The exception is the building envelope on Lot 1, and it encroaches into the 50' setback along Yankee Hill Road and should be relocated out it. With that modification, the yard adjustment is appropriate.

CONDITIONS:

UP#05004

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan as follows:

1.1.1 Provide sidewalk connections from those in front of the buildings to the sidewalk along Yankee Hill Road, and provide sidewalks along both sides of Executive Woods Drive to Yankee Hill Road with sidewalks along the driveway off Executive Woods Drive connecting to the sidewalk system inside the center.

1.1.2 Revise General Note #7 to also note that sidewalks must be 6' when adjacent to parking stalls.

1.1.3 Show 130' of right-of-way within 700' of the intersection of Yankee Hill Road and 120' thereafter, with the sidewalk at least 9.5' from the back of curb along the extent of the street.

1.1.4 Designate Outlot A.

1.1.5 Show the building envelope on Lot 1 located out of the 50' front yard setbacks from the boundary of the development.

1.1.6 Revise the traffic study and site plan to the satisfaction of Public Works and Utilities.

1.1.7 Show the arrow from the note on Sheet 1 of 2 "Splitter Island To Be Constructed To Allow Right Turning Vehicles Only" pointing to the splitter island.

1.1.7 Show easements requested by L.E.S.

2. This approval permits 33,500 square feet of retail, restaurant with drive-through, and office uses with adjustments to yards in individual lots to 0'.

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted a five copies of a revised final plan and the plans are acceptable:
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the City.

Standard:

4. The following conditions are applicable to all requests:
- 4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established owners association approved by the City Attorney.

- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will
Planner
May 23, 2005

APPLICANT/CONTACT:

Mark Palmer
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508
402-474-6311

OWNER:

Ridge Development Company
2001 Pine Lake Road, Suite 100
Lincoln, NE 68516



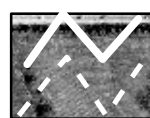
2002 aerial

Change of Zone #05040 S. 14th & Yankee Hill Rd

Zoning:

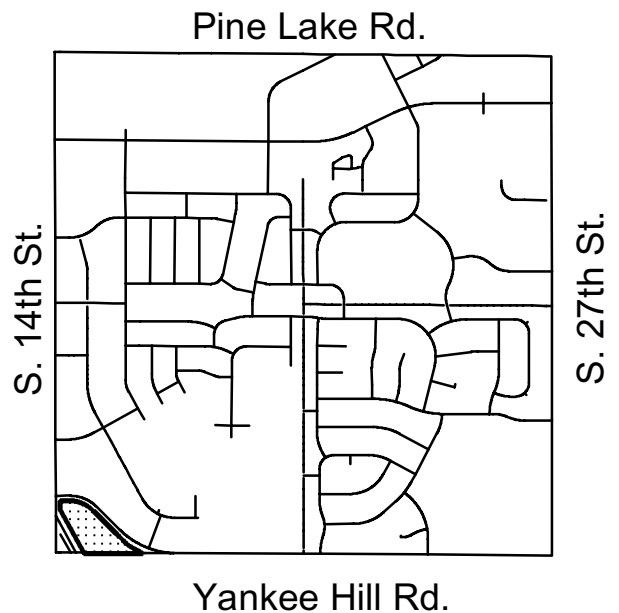
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 24 T9N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



OWNERSHIP AND LIENHOLDER CERTIFICATE

TO WHOM IT MAY CONCERN:

MAY 12 2005

FILE NO.: C12535

CITY OF LANCASTER
PLANNING DEPARTMENT

The undersigned, hereby certifies the following real property title data to be true and correct as taken from the records of the Register of Deeds of Lancaster County, Nebraska regarding title to the following described real estate:

Lot 85, Irregular Tracts located in the Southwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska

TITLE VESTED IN:

Ridge Development Company, a Nebraska corporation, an undivided 40% interest; Southview, Inc., a Nebraska Corporation, an undivided 40% interest; and Large Partnership, Ltd., a Nebraska limited partnership, an undivided 20% interest

ENCUMBRANCES:

Real Estate Deed of Trust (With Future Advance Clause) Construction Security Agreement which was executed by Ridge Development Company, a Nebraska Corporation, an undivided $\frac{1}{4}$ interest; Large Partnership, LTD., a NE Limited Partnership, an undivided $\frac{1}{2}$ interest; and Southview, Inc., a NE Corporation, an undivided $\frac{1}{4}$ interest, Trustors -to- Pinnacle Bank, a Nebraska Corporation, Trustee and Pinnacle Bank, Beneficiary, to secure the sum of \$3,500,000.00, dated April 3, 2000 and recorded April 11, 2000 as Inst. No. 2000-14726 in the office of the Register of Deeds of Lancaster County, Nebraska. (includes other property)

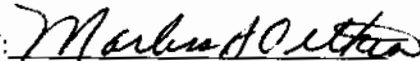
This search does not pass on the marketability of title, nor as to the legality or sufficiency of any instrument or proceeding in the chain of title to said real estate. This search is not an opinion of title or a guaranty of title.

CHARGES: \$0.00

EFFECTIVE DATE: May 6, 2005 AT 8:00 A.M.

UNION TITLE COMPANY

BY:



REGISTERED ABSTRACTER

CERTIFICATE OF AUTHORITY NO. 581



OLSSON ASSOCIATES
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

May 12, 2005

Mr. Marvin Krout
Planning Department, City of Lincoln
County-City Building
555 So. 10th Street
Lincoln, NE 68508

RECEIVED
MAY 12 2005

CITY OF LINCOLN/LANCASTER COUNTY
PLANNING DEPARTMENT

RE: Wilderness Woods Commercial Center
Use Permit and Change of Zone
OA Project No. 2004-1387

Dear Mr. Krout:

On behalf of the Owners, Ridge Development Company, Southview, Inc. and Large Partnership, Ltd. (collectively "Wilderness Ridge Joint Venture"), c/o John Schleich, 8644 Executive Woods Drive, Lincoln, NE 68516, we are submitting a Change of Zone from O-3 to B-2 and accompanying Use Permit on Lot 85 I.T.; located in the Southwest quarter of Section 24, Township 9 North, Range 6 East of the 6th p.m., Lincoln, Lancaster County, Nebraska, which contains approximately 5.4 acres.

Enclosed please find the following for the above-mentioned project:

1. Application for a Use Permit Amendment with submittal requirements.
2. Application fee.
3. Change of Zone application with submittal requirements.
4. Change of Zone fee.
5. Change of Zone legal description and exhibit.
6. Site Plan – 21 copies.
7. Drainage and Grading Plans – 9 copies.
8. Ownership Certificate – 1 copy.

On January 27, 2005 DaNay Kalkowski and I met with Ray Hill, Brian Will and Dennis Bartels to go over a preliminary plan for retail development of the property. City staff was concerned about the traffic that would be generated by the uses proposed at that time and access to the site. We sent out notice of a neighborhood meeting to discuss the preliminary plan on February 2, 2005. No neighbors attended the meeting.

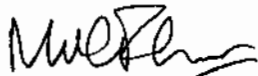
We have had additional meetings with Dennis Bartels at Public Works to review the traffic volumes and impacts of the proposed uses compared to the previous O-3 uses. The site plan has been revised to reflect comments made from these meetings.

Mr. Marvin Krout
May 12, 2005
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We are requesting a waiver to reduce the internal yard setbacks to 0' in the B-2 area.

We look forward to working with you on this project. If you have any questions or need any additional information, please feel free to call me at the number listed above or DaNay Kalkowski at 435-6000.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark C. Palmer', with a stylized flourish at the end.

Mark C. Palmer, PE

Enclosures

cc: Ridge Development
Southview, Inc.
Large Partnership, Ltd.

M e m o r a n d u m

To: Brian Will, Planning Department

From: Chad Blahak, Public Works and Utilities
Dennis Bartels Public Works and Utilities

Subject: Wilderness Woods Commercial Center UP #05004

Date: 5/24/05

cc:

Engineering Services has reviewed the submitted plans for the Wilderness Woods Commercial Center Use Permit, located on the southeast corner of 14th and Yankee Hill Road, and has the following comments:

Sanitary Sewer - The following comments need to be addressed.

(1.1) The proposed sanitary sewer needs to be located in a 30' easement. A 10' easement is shown on the plans. If the 10' is proposed to be in addition to the existing easement for the existing 48" sanitary sewer, this needs to be clearly labeled on the plans. Otherwise a 30' easement for this proposed sewer needs to be shown.

Water Main - The water system is satisfactory.

Grading/Drainage - The following comments need to be addressed.

(3.1) The detention for this plat was provided for in the Wilderness Ridge preliminary plat.

Streets/Paving - The following comments need to be addressed.

(4.1) It appears that the trips shown in the submitted traffic study are not consistent with the previous traffic study for Wilderness Woods Office Park. The previous study showed 88 north to west bound left turn movements at Wilderness Woods Drive and Yankee Hill Road for the full 320,000 square feet of office between this proposed and the existing office park. The current submitted traffic study shows 34 north to west bound left turn movements for just the 45,000 square feet of office in this proposal. This number represents over a third of the left turn trips shown in the original study yet uses only a sixth of the total square footage. This discrepancy needs to be addressed. The original study needs to be revised to show how the driveway connection to Wilderness Woods Drive will function in conjunction with the intersection of Yankee Hill and Wilderness Woods Drive with the currently requested land use. It will likely show that the proposed driveway from Wilderness Woods drive will conflict with the stacking for the turning movements at Yankee Hill Road. Also, absolute minimum driveway spacing as measured from near curb to near curb is 55' according to design standards. As shown, there is only 40' separation between the north curb of the drive and the south curb of Yankee Hill Road. As a minimum the drive needs to be moved south to achieve the minimum 55' clearance and maybe more to accommodate the required stacking for the intersection with Yankee Hill Road.

Brian Will, Planning Department

Page 2

May 25, 2005

(4.2) The sidewalks in Wilderness Woods Drive have not been extended to the side walks in Yankee Hill Road as required by the Wilderness Woods Office Park plat. These sidewalks need to be shown as extended all the way to the Yankee Hill Road sidewalk. The grading plan indicates that the site grading at this location is not in conformance with the approved grading plan for this road. The grading needs to be revised to show grades that would allow the sidewalks to be constructed.

General - The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

C:\WINDOWS\Temp\notes3388E1\wldmswdscomm.wpd

Richard J Furasek/Notes
05/23/2005 03:18 PM

To Brian J Will/Notes@Notes
cc
bcc
Subject Wilderness Woods Commercial Center

Upon review of Change of Zone (PUD) # CZ05040 and Use Permit # UP05004, we find it acceptable from the perspective of our department. The only concern is the lack of resources and facilities in the area which does not allow us to respond in a timely manner to emergencies in the area as our citizens have become accustomed to expect.

Richard J. Furasek
Assistant Chief Operations
Lincoln Fire & Rescue
1801 Q Street
Lincoln Ne. 68508
Office 402-441-8354
Fax 402-441-8292